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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA,) No. CR 04 0323 WBS
18 Plaintiff,) UNITED STATES' MOTION AND
19 v.) [PROPOSED] ORDER RE
20) RESTITUTION
21)
22 Defendants.)

23
24 The parties to the civil forfeiture action in case C 05-4412 WBS have reached a
25 settlement of that action, as memorialized in the Settlement Stipulation and [Proposed]
26 Order submitted to this Court. By that stipulation, the parties agreed to the distribution of
27 funds in case C 05-4412 WBS to creditors of Win Fashion, Inc.; Wins of California, Inc.;

28 U.S. MOT. & [PROP.] ORDER
RE RESTITUTION
[CR 04 0323] [WBS]

1 and Tomi LLC, the entities that defendants Jimmy Quan and/or Anna Wong placed in
2 bankruptcy. Actions by the defendants in connection with those bankruptcies were the
3 subject of the charges in the above-captioned criminal case.

4 As part of the settlement of case C 05-4412, the United States has also agreed to
5 move to dismiss the civil forfeiture action in case C 04-0933 WBS.

6 Also as part of the Settlement Stipulation in case C 05-4412 WBS, the parties have
7 agreed that the distribution of funds will constitute full satisfaction of any and all
8 restitution that may be due and owing under the above-captioned criminal case.

9 Accordingly, the United States hereby moves that this Court stay execution of this
10 Court's Amended Restitution Order, filed on April 18, 2008 (document 604), until the
11 United States Marshal's Service distributes the funds (principal and accrued interest) in
12 case

13 C 05-4412 WBS to trustee Mohammed Poonja as ordered by this Court pursuant to the
14 parties' Settlement Stipulation. The United States further moves that, upon the
15 transmission of funds by the United States Marshal's Service to Mohammed Poonja, this
16 Court vacate the Amended Order of Restitution, as well as the Order of Restitution
17 entered on April 16, 2008 (document 602). The United States agrees that if the settlement
18 in case C 05-4412 WBS is accepted by this Court, it will not seek any further order of
19 restitution in criminal case CR 04-0323 WBS.

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22 Dated: 6/4/08

JOSEPH P. RUSSONIELLO
United States Attorney

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/s/
SUSAN E. BADGER
Assistant United States Attorney

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U.S. MOT. & [PROP.] ORDER
RE RESTITUTION
[CR 04 0323] [WBS]

ORDER

Upon the motion of the United States, and for good cause appearing, IT IS
HEREBY ORDERED as follows:

1. The execution of Amended Order of Restitution (document 604) in the above-captioned case, CR 04 0323 WBS, filed April 18, 2008, is stayed pending transmission of the funds in case C 05-4412 WBS, including principal and accrued interest, by the United States Marshal's Service to Mohammed Poonja.

2. Upon said transmission of funds by the United States Marshal's Service, the Amended Order of Restitution (document 604) and the Order of Restitution (document 602) are vacated.

3. The hearing previously set for June 13, 2008, is vacated.

DATED: June 9, 2008

William B. Shubb
WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

U.S. MOT. & [PROP.] ORDER
RE RESTITUTION
[CR 04 0323] [WBS]

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Case Number: CR 04-0323 WBS

Plaintiff,

CERTIFICATE OF SERVICE

v.

JIMMY QUAN, et al.,

Defendant.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 10, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

U.S. Marshal Service
450 Golden Gate Ave.
San Francisco, CA 94102

June 10, 2008

Richard W. Wiking, Clerk



By: Snooki Puli